

HOUSE No. 1390

By Mr. Ayers of Quincy, petition of Bruce J. Ayers relative to the funding of waterway projects and coastal protection initiatives. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT ESTABLISHING A REVOLVING FUND TO SUPPLEMENT THE FUNDING OF WATERWAY PROJECTS AND COASTAL PROTECTION INITIATIVES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 91 of the General Laws, as appearing in
2 the 1996 Official Edition, is hereby amended by adding the
3 following new section after section 10A½:—

4 Section 10A¾. There is hereby established a fund to be known
5 as the Coastal Protection and Harbor Maintenance Revolving
6 Fund to which shall be credited such sums as may from time to
7 time be provided by appropriation. Notwithstanding the provi-
8 sions of any general or special law to the contrary, the department
9 of environmental management is hereby authorized and directed
10 to utilize the appropriations credited to this fund for providing
11 financial assistance to local government units to meet debt service
12 obligations or bonds incurred by such local government units after
13 January 1, 1999, to finance costs of coastal protection and harbor
14 maintenance projects, or portions thereof, which have been
15 approved by the department.

16 As used in this section, the term “coastal protection and harbor
17 maintenance project” shall mean the planning, including study,
18 professional consultation, engineering, evaluation, preliminary
19 and final design and pre-construction activity, including construc-
20 tion, supervision and purchase of equipment for post-construction
21 maintenance for projects approved by the department that increase
22 or maintain harbor access and maintain or augment structures that
23 provide protection to the coastline and development along the

24 same. The department shall promulgate regulations to define typ-
25 ical projects that are approved for assistance and shall therein pro-
26 vide a process for municipalities to submit additional proposals
27 for consideration should a municipality believe that a project
28 meets the criteria for a coastal protection or harbor maintenance
29 project but is not specifically defined as such in the regulations.

30 Subject to appropriation, the department shall provide financial
31 assistance for each coastal protection and harbor maintenance pro-
32 ject or portion thereof authorized by this section in such manner
33 and under such terms and conditions as defined under regulations
34 to be promulgated by the department, including zero or low-
35 interest loans to the municipality, in an aggregate amount equal to
36 50% of the approved costs of such project or portion thereof
37 approved by the department of environmental management. This
38 assistance shall not be construed as a replacement and shall not be
39 used in lieu of any other form of grant or other assistance avail-
40 able through the department, but shall assist municipalities in
41 affording and financing their portion of approved and necessary
42 projects.

43 The state treasurer shall enter into an agreement with the
44 department to provide contract assistance to the department in
45 whatever maximum amount is appropriated by the commonwealth
46 per fiscal year. Subject to appropriation, the department is hereby
47 authorized and directed to report the total annual amount of assis-
48 tance authorized in each current and subsequent year to meet the
49 provisions of this section and shall file the same with the house
50 and senate committees on ways and means no later than February
51 first of each year, such report shall also detail the number and
52 aggregate amount of requests for assistance the department has
53 received and is unable to provide from this account due to exhaus-
54 tion of available appropriations.

1 SECTION 2. This act shall take effect upon passage and the
2 department of environmental management is directed to promul-
3 gate the rules and regulations required under this act within ninety
4 days after the effective date of this act.